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Attorney Docket No. 28069-547 CIP2



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Parikh  
APPLICATION NO. 09/282,471 EXAMINER: Gollamudi S. Kishore  
FILING DATE: March 31, 1999 ART UNIT: 1615  
FOR: **Fenofibrate Microparticles**

### MAIL STOP AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

03/12/2007 SSITHIB1 00000004 09282471

03 FC:1814  
04 FC:1814

130.00 DP  
130.00 DP

### TERMINAL DISCLAIMER

The owner, Jagotec AG., of 100 percent interest in the instant application (by virtue of the documentary evidence submitted herewith) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on co-pending reference U.S. Application Number 09/443,863, filed November 19, 1999, as such term is defined in 35 U.S.C. §154 to 156 and 173, as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of any patent granted on said reference application, as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application, in the event that any such patent:

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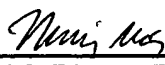
granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned, as Applicant's attorneys of record, file this Terminal Disclaimer and the corresponding fee required by 37 C.F.R. § 1.20(d). The Commissioner is authorized to charge any additional fees or credit any overpayment to the account of the undersigned, Deposit Account No. 50-0311, Ref. No. 28069-547 CIP2.

Respectfully submitted,

Dated: March 7, 2007

  
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